

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re DELPHI CORPORATION, et al.,

Debtors,

Bankruptcy Court
Case No. 05-44481 (RDD)

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**AFFIRMATION OF VICTOR J. MASTROMARCO, JR. IN SUPPORT OF H.E.
SERVICES AND ROBERT BACKIE'S MOTION FOR LEAVE TO APPEAL
PURSUANT TO F.R. BANKR.P. 8003**

I, VICTOR J. MASTROMARCO, JR., affirm the following under perjury:

1. I am an attorney with the law firm The Mastromarco Firm located at 1024 North Michigan Avenue, Saginaw, Michigan 48605.

2. I submit this affidavit in support of Creditors H.E. Services Company and Robert Backie's application for leave to appeal the bankruptcy court's ruling denying Creditors motion for relief from the bankruptcy stay.

3. That prior to the filing of bankruptcy by the Debtor, the Creditors (former suppliers for Debtor) had initiated a lawsuit in the United States District Court for the Eastern District of Michigan alleging, in part, unlawful discrimination in violation of 42 USC § 1981, and the District Court issued an administrative stay following the filing of bankruptcy by the Debtor.

4. Mr. Backie is the majority shareholder of H.E. Services Company and is a Native American and his company is a registered minority corporation.

5. The Creditors have alleged, in part, that the Debtors unlawfully discriminated against the Creditors and gave more favorable treatment to non-minority suppliers in breach of its contract.

6. The Creditors have also alleged that the Debtors utilized the Creditors for the purpose of creating the perception that Debtor was utilizing a minority corporation.

7. That the bankruptcy court denied Creditors' request for relief from the stay so that Creditors could pursue their personal injury claim against the Debtor on August 10, 2006. A copy of the Order is attached as Exhibit 1 to the Motion for Leave to Appeal.


8. The bankruptcy court subsequently extended the deadline for filing the above appeal to September 28, 2006. A copy of the Order is attached as Exhibit 2 to the Motion for Leave to Appeal.

Dated: September 25, 2006

THE MASTROMARCO FIRM
Attorneys for Creditors H.E. Services Company
and Robert Backie,

By: 
VICTOR J. MASTROMARCO, JR.
1024 North Michigan Avenue
Saginaw, Michigan 48605
(989)752-1414

Signed and sworn to before me, a notary public for the County of Saginaw, State of Michigan, on this 25 day of September, 2006.


SHARON E. NAVARRE, Notary Public
Bay County acting in Saginaw County, MI
My Commission Expires 06/06/07